

REMARKS/ARGUMENTS

This is a preliminary amendment in a RCE Application. The Office Action mailed March 31, 2004 has been carefully reviewed. The Office Action was non final. Reconsideration of this application, as amended and in view of the following remarks, is respectfully requested. The claims presented for examination are: claims 1-36.

35 USC 103 Rejection

In numbered paragraph 3 of the Office Action mailed March 31, 2004 claims 1-8, 10-17, 19-26, and 28-35 were rejected under 35 USC 103(a) as allegedly being unpatentable over the

Primary Reference, Busche et al (Busche), US 6,430,547 B1, 06 August 2002 in light of the

Secondary Reference, Agrawal (Agrawal), US 6,230,151 B1, 08 May 2001 in further light of the

Tertiary Reference, Yamada et al (Yamada), US 5,319,740, 07 June 1994 in further light of the

Quaternary Reference, Beckerle et al (Beckerle), US 6,311,265 30 October 2001.

Applicants' Response to 35 USC 103 Rejection

Applicants have amended all of the independent claims; therefore claims 1-36 are now presented in amended form. Since claims 1-36 now appear in amended form the 35 USC §103(a) rejection in the Office Action mailed March 31, 2004 no longer applies.

Applicants believe that claims 1-36 are patentable and that the Busche and Agrawal and Yamada and Beckerle references would not support a 35 USC §103(a) rejection.

The factual inquiries set forth in Graham v. John Deere Co., 383 U.S. 1, 148 USPQ 459 (1966) that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) include, "ascertaining the differences between the prior art and the claims at issue."

The differences between the primary **Busche** reference and Applicants' invention defined by amended claims 1-36 includes the fact that the following elements of amended claims 1-36 are not found in the primary **Busche** reference:

(1) an object oriented module operatively connected to said processors and said data files to read said data and partition said data files among said multiplicity of processors, or

(2) an object oriented module operatively connected to said processors to parallel sort said data using said multiplicity of processors, if sorting is necessary, or

(3) an object oriented module operatively connected to said processors to determine the best manner to split said data according to some criterion, or

(4) an object oriented module operatively connected to said processors to split said data, or

(5) a data mining system having a storage module, and an object oriented linking module for linking said decision tree system and said storage module, or

(6) wherein said object oriented module to determine the best manner to split said data is based on tests on single attributes of said data, or

(7) wherein said object oriented module to determine the best manner to split said data is based on a OC1 algorithm, or

(8) wherein said object oriented module to determine the best manner to split said data is based on a CART-LC algorithm, or

(9) wherein said object oriented module to determine the manner to best split said data is based on an evolutionary algorithm, or

- (10) wherein said criterion is the Gini index, or
- (11) wherein said criterion is the information gain, or
- (12) wherein said criterion is the information ratio, or
- (13) wherein said criterion is the twoing rule, or
- (14) providing data files containing objects having relevant features, or
- (15) recognizing patterns among said objects based upon said relevant features, or
- (16) using said multiplicity of processor for reading said data from said data files using an object oriented module, or
- (17) using said multiplicity of processor for partitioning said data files among said multiplicity of processors, or
- (18) using said multiplicity of processor for parallel sorting said data using an object oriented module and said multiplicity of processors if sorting is necessary, or
- (19) determining the best manner to split said data into subsets according to some criterion using an object oriented module, or
- (20) splitting said data using an object oriented module.

There is no combination of the four references that would produce the combination of elements of Applicants' amended claims 1-36. Further, there is no teaching of combining the four references to meet Applicants' amended claims 1-36. Thus, any combination of references would fail to support a rejection of the claims under 35 USC 103, and the rejection should be withdrawn.

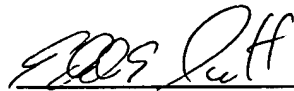
Allowable Subject Matter

In numbered paragraph 4 of the Office Action mailed March 31, 2004 claims 9, 18, 27, and 36 were indicated to contain allowable subject matter. Applicants appreciate the indication of allowability.

SUMMARY

The undersigned respectfully submits that, in view of the foregoing amendments and the foregoing remarks, the rejections of the claims raised in the Office Action dated March 31, 2004 have been fully addressed and overcome, and the present application is believed to be in condition for allowance. It is respectfully requested that this application be reconsidered, that the claims be allowed, and that this case be passed to issue. If it is believed that a telephone conversation would expedite the prosecution of the present application, or clarify matters with regard to its allowance, the Examiner is invited to call the undersigned attorney at (925) 424-6897.

Respectfully submitted,



Eddie E. Scott
Attorney for Applicant
Registration No. 25,220
Tel. No. (925) 424-6897

Livermore, California

Dated: June 28, 2004